



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,196	04/21/2000	Stephen G. Perlman	14531.27.2.2	6989

22913 7590 03/26/2003

WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/557,196	PERLMAN, STEPHEN G.	
	Examiner	Art Unit	
	Chau Nguyen	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04/21/2003.
- 2a) This action is FINAL. 2b) This action is non-final:
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurtz, Patent No. 5,574,440, and further in view of Houser et al. (Houser), Patent No. 5,774,859.
4. As to claims 1, 5, 6, 8-9, and 11-12, Kurtz discloses in a home entertainment system including a central device coupled to a plurality of electronics devices, wherein the plurality of electronics devices includes a display device and a descrambler, and wherein the central device manages the operation of the plurality of electronics devices,

a method for tuning channels that are requested by a user for display on the display device, the method comprising the steps for:

receiving user input at the central device, wherein the user input selects a channel that corresponds to a signal carrying programming, and wherein the signal is received by the entertainment system (Abstract, col. 1, line 11 – col. 2, line 7, col. 3, lines 15-39, and Fig. 1);

determining at the central device whether the signal is scrambled or non-scrambled (Abstract, col. 2, line 37 – col. 3, line 11, col. 4, line 47 – col. 5, line 21 and Fig. 1);

if the signal is determined to be scrambled, performing the steps for:

routing the scrambled signal from the central device to the descrambler (col. 4, line 47 – col. 6, line 18, and Fig. 1 & Fig. 2); and

using the descrambler to descramble and tune the scrambled signal for display on the device (col. 4, line 47 – col. 6, line 18, and Fig. 1 & Fig. 2); and

if the signal is determined to be non scrambled, performing the step for:

using an internal tuner at the central device to tune the non-scrambled signal for display on the display device (col. 4, line 47 – col. 6, line 18, and Fig. 1 & Fig. 2).

However, Kurtz does not disclose an electronic programming guide (EPG) at the central device. In the same field of endeavor, Houser discloses EPG data, from information provider, is stored in memory at subscriber terminal unit 160 (central device)

Art Unit: 2142

(col. 23, lines 7-37 and Fig. 2C). Houser teaches a subscriber terminal unit 160, is coupled to plurality of devices such as televisions, VCR, computer, and the like, which is similar to the system of Kurtz. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kurtz and Houser to include EPG data at the central device because EPG provide television schedule information arranged by time and channel for programs up to a few hours in advance.

5. As to claims 2, 7 and 14, Kurtz and Houser (Kurtz-Houser) disclose after descrambling and tuning the scrambled signal at the descrambler, performing the step for sending the descrambled and tuned signal from the descrambler to the central device (Kurtz, col. 10, line 3 – col. 11, line 5).

6. As to claims 3 and 13, Kurtz-Houser disclose wherein the descrambler is a cable box (Kurtz, col. 5, lines 53-67).

7. As to claims 4 and 10, Kurtz-Houser disclose wherein the user input is sent to the entertainment system by a remote control device (Kurt, col. 4, lines 47 – col. 5, line 21).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The Examiner can normally be reached on Monday-Friday from 7:30am to 4:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mark Powell, can be reached at (703) 305-9703.

The fax phone numbers for the organization where this application is assigned are as follows:

(703) 746-7238 (After Final Communications only)

(703) 746-7239 (Official Communications)

(703) 746-7240(for Official Status Inquiries, Draft Communications only)

Inquiries of a general nature relating to the general status of this application or proceeding should be directed to the 2100 Group receptionist whose telephone number is (703) 305-3900.

Chau Nguyen
Patent Examiner
Art Unit 2142

MARC THOMPSON
Marc Thompson
Patent Examiner
Art Unit 2142

703.308.6750